

**Categorical Exclusion Documentation Format for Actions Other Than Hazardous Fuels
and Fire Rehabilitation Actions**

**Buckhorn Spring Protective Enclosure
DOI-BLM-AZ-P010-2012-035-CX**

A. Background

BLM Office: *Hassayampa Field Office (HFO)*

Lease/Serial/Case File No.: NA

Proposed Action Title/Type: **Building a small enclosure to protect Buckhorn Spring**

Location of Proposed Action: **Buckhorn Spring T8N R2W S28**

Description of Proposed Action: Construct a small (36 m x 12 m (0.1 acre) enclosure around a portion of Buckhorn Spring aquatic habitat and associated riparian vegetation that is located outside of the existing enclosure. The existing enclosure was built as a cooperative project with BLM and the Arizona Game and Fish Department (EA #AZ 020-2003-081). Since this project was completed, the Arizona Game and Fish Department stocked Gila topminnow into the pool habitat at Buckhorn Spring (EA AZ-210-2005-052) and some of this pool habitat lies outside the existing enclosure. This enclosure is proposed to protect aquatic and riparian habitat from livestock damage. The grazing permittee has access to water outside of the enclosure. Water is piped from the spring to a trough outside of the enclosure, as allowed for in the Biological Opinion (22410-2006-F-0006). The fence will be built with T-posts and wire according to BLM's Handbook on Fencing No. 1741-1.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: **Bradshaw-Harquahala Resource Management Plan**

Date Approved/Amended: **4/22/2010**

☐ The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

☒ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

TE-25. Conservation of Federal threatened or endangered, proposed, candidate, and other special status species is promoted by maintaining or restoring their habitats.

This project would maintain habitat quality for Gila topminnow by preventing impacts by cattle.

RP-1. Riparian areas will include a plant community that consists of stream banks dominated (> 50 percent) by native species from the genera *Scirpus*, *Carex*, *Juncus*, and *Eleocharis*. The size class distribution of native riparian obligate trees will be > 15 percent seedlings, > 15 percent mid-size, and > 15 percent large size (depending on existing conditions and the site potential).

This project would promote native riparian vegetation establishment by protecting the spring area from cattle impacts.

LH-3. Productive, diverse upland and riparian-wetland plant communities of native species exist and are maintained.

This project would protect native riparian plants by excluding cattle from the upper spring area.

GM-6. Build livestock control fences and alternative water sources where needed to meet natural resource objectives. Fence construction and maintenance will follow guidance provided in BLM's Handbook on Fencing No. 1741-1.

C: Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 Departmental Manual (DM) 11.9:

J-8. Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 11.9 apply.

I considered: that this project would not prevent livestock access to water because water is piped from the spring to a trough outside the enclosure. I also considered that fences may impede access for some species of wildlife; therefore the fence will be built according to wildlife friendly specifications as described in BLM's Handbook on Fencing No. 1741-1.

D: Signature

Review: *We have determined that the proposal is in accordance with the categorical exclusion criteria and that it would not involve any significant environmental effects (see Attachment 1). Therefore, it is categorically excluded from further environmental review.*

Prepared by: _____/s/_____

**Codey Carter
Project Lead**

Reviewed by: _____/s/_____

**Leah Baker
Planning & Environmental Coordinator**

Approved by: _____/s/_____

**Rem Hawes
Manager**

Contact Person

For additional information concerning this CX review, contact:
Codey Carter, 623-580-5678.

Note: A separate decision document must be prepared for the action covered by the CX.

BLM Categorical Exclusions: Extraordinary Circumstances¹

Attachment 1

The action has been reviewed to determine if any of the extraordinary circumstances (43 CFR 46.215) apply. The project would:		
1. Have significant impacts on public health or safety		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: This is a remote area and receives very little contact with the public. It is simply an addition to an existing fence and has no additional public health or safety risks for the public over and above the many miles of fence in the surrounding area. The fence will be no longer than it needs to be to protect the spring habitat.
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness or wilderness study areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds (Executive Order 13186); and other ecologically significant or critical areas?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: There are no anticipated negative impacts to any of the above mentioned resources. Excluding cattle from the spring should improve the quality of the riparian and aquatic habitat.
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No controversial environmental effects or unresolved conflicts concerning alternative uses of the available resources is anticipated.
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: Building enclosures around riparian areas is a common practice that has little unknown environmental risks.
5. Establish a precedent for future action, or represent a decision in principle about future actions, with potentially significant environmental effects?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: This action does not establish a precedent with potentially significant environmental effects.

¹ If an action has any of these impacts, you must conduct NEPA analysis.

6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant, environmental effects?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No such cumulative impacts relationship exists with other actions.
7. Have significant impacts on properties listed or eligible for listing, on the National Register of Historic Places as determined by either the Bureau or office?		
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Rationale: No such properties exist near the release sites.
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: The Arizona Game and Fish Department recently stocked Gila topminnow (ESA endangered) into Buckhorn Springs. The Biological Opinion (22410-2006-F-0006) for the stocking was issued with the understanding that livestock would be excluded from the stocking area. A small portion of the stocked area is outside of the exclosure on the upstream end of the spring. Cattle sign has not been seen in this area and cattle entry may be restricted do to the steep topography, but to better secure this habitat from livestock impacts this fencing project is proposed. This project would exclude the rest of habitat that was stocked with Gila topminnow at Buckhorn Springs.
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No such laws will be violated by carrying out this action.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No adverse effects will be imposed on low income or minority populations as a result of this action.
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners, or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007)?		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: No such access limitations will occur as a result of this action.
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112)?		

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Rationale: This action will not introduce or spread weeds into the area.
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Decision

Attachment 2

Project Description:

Construction of a small (34 m x 7 m x 38 m x 17 m (0.1 acre) enclosure fence around a portion of Buckhorn Spring aquatic habitat and associated riparian vegetation that is located outside of the existing enclosure (T8N R2W S28). The existing enclosure was built as a cooperative project with BLM and the Arizona Game and Fish Department (EA #AZ 020-2003-081). Since this project was completed, the Arizona Game and Fish Department stocked Gila topminnow into the pool habitat at Buckhorn Spring (EA AZ-210-2005-052) and some of this pool habitat lies outside the existing enclosure. This enclosure is proposed to protect aquatic and riparian habitat from livestock damage. The grazing permittee has access to water outside of the enclosure. Water is piped from the spring to a trough outside of the enclosure. The fence will be built with T-posts and wire according to BLM's Handbook on Fencing No. 1741-1.

Decision:

Based on a review of the project described above and field office staff recommendations, I have determined that the project is in conformance with the land use plan and is categorically excluded from further environmental analysis. It is my decision to approve the action as proposed, with the following stipulations (if applicable).

Appeal Opportunities:

The decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on December 22, 2010. Within 30 days of this decision, a notice of appeal must be filed in the office of the Authorized Officer at 21605 North 7th Avenue, Phoenix Arizona, 85027. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted,
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer. A copy of

the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken to: Field Solicitor, U.S. Department of the Interior, 401 West Washington Street, Suite 404, Phoenix Arizona 85003, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

Approved By: _____/s/_____ **Date:** __07/02/2012_____

Rem Hawes

Manager